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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/811,516 | 03/20/2001 | Tomoshi Hirayama | 205018US6 | 9415 |
| 22850 | 7590 | 05/08/2006 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | LIPMAN, JACOB | |
| | | | ART UNIT | PAPER NUMBER |

2134

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/811,516 | HIRAYAMA, TOMOSHI | |
| | Examiner | Art Unit | |
| | Jacob Lipman | 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6, and 7 recite the limitation "question identifying information identifying a question" in the first lines of each claim, and later recite "for receiving a question identified by said question identification information" in the last lines of each claim. It is unclear in each claim if the question in the first lines and the question in the last lines is meant to be the same question, or could be two different questions. The claim is being understood as if the last lines read, "for receiving the question identified by said question identification information."

Claim 3 recites the limitation "said additional information". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims 1-7, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Stetz, in Cell Phone Handbook.

With regard to claims 1, 6, and 7, Stetz discloses an input (carrier) configured to receive from a radio broadcast station (sending cell phone) a question (phone number, page 38 last paragraph) and a station ID (ESN, page 38 last paragraph), and from a radio signal receiver (receiving cell phone) a second ID (second ESN), judging the validity of all the IDs, (pages 38-39) and assigning customer information to the receiving station ID (for billing, page 43), and outputting the customer information for receiving the identified question (on the bill). Stetz discloses how cell phones work. In a cell network the first phone calls by the second's number to request a reply. When he does, both ESN numbers are matched with customer information for billing, and to allow the call to go through. When the second phone turns on, it is sending out its ID, and it's asked to reply to the question, being its phone number.

With regard to claims 2 and 3, Stetz discloses checking the validity of the broadcasting identification (SID, page 38).

With regard to claim 4, Stetz discloses voice mail (pages 83-84), which is content requesting means asking the broadcasting phone to question the receiving phone.

With regard to claim 5, Stetz discloses over the air activation (page 50) where the carrier acquires user information from either phone.

Response to Arguments

5. Applicant's arguments filed 30 March 2006 have been fully considered but they are not persuasive.

Applicant argues that Stetz does not disclose a question or radio broadcasting and receiving. The examiner points to The American Heritage College Dictionary to define these terms. A cellular telephone is defined as a mobile radio-telephone (page 232), and is thus a radio broadcaster and receiver. A question is defined as an expression of inquiry that invites or calls for a reply (page 1142), and thus reads on a placed phone call identified with a phone number. Applicant further argues that Stetz fails to teach an anonymous user. The examiner points out that this limitation is not claimed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

James H. Louis
JAMES H. LOUIS
PRIMARY EXAMINER